

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE: : CHAPTER 13
ALLEN LEE LAKE, :
Debtor : CASE NO. 1:14-bk-01753
: :
ALLEN LEE LAKE, :
Movant :
: :
v. :
: :
JON W OWENS, :
Respondent :
: :

MOTION TO AVOID LIEN OF RESPONDENT
UNDER SECTION 522(f) OF THE BANKRUPTCY CODE

COMES NOW the Debtor, by and through Dorothy L. Mott, Esquire and makes this Motion respectfully stating in support thereof:

1. The Debtor filed a Chapter 13 Petition on April 15, 2014.
2. The Debtor is an adult individual residing at 2306 Magnolia Terrace Harrisburg, PA 17110 .
3. Respondent maintains a mailing address of 508 WALTON COURT, NEW CUMBERLAND, PA 17070.
4. The Respondent holds a judicial lien against the Debtor, erroneously identified as Alan Lake, in the amount of \$507.94 entered in Dauphin County at docket number # 2005 NT 1835.
5. The Debtor has listed all property the Debtor owns on the Bankruptcy schedules.
6. All property listed by the Debtor has been exempted as follows:

Asset	Value	Lien	Exemption	Equity
1723 Penn St, Harrisburg, PA 17102	\$130,000.00	\$78,665.61	11 U.S.C. § 522(d)(1)	Foreclosed

Cash on hand	\$150.00		11 U.S.C. § 522(d)(5)	\$150.00
Checking: Members 1st			11 U.S.C. § 522(d)(5)	\$0.00
Savings: Members 1st	\$5.00		11 U.S.C. § 522(d)(5)	\$5.00
3 beds, 3 dressers, couch, love seat, 2 chairs, dining table	\$2,300.00		11 U.S.C. § 522(d)(3)	\$2,300.00
Clothing	\$250.00		11 U.S.C. § 522(d)(5)	\$250.00
Watch	\$20.00		11 U.S.C. § 522(d)(4)	\$20.00
Term life through employer			11 U.S.C. § 522(d)(7)	\$0.00
Pension 11 U.S.C. §541 (c)(2) Excluded from the Bankruptcy				\$0.00
Pension 11 U.S.C. §541 (c)(2) Excluded from the Bankruptcy				\$0.00
2007 Lincoln MKZ AWD 69,000 miles	\$8,762.00	\$16,933.00	11 U.S.C. § 522(d)(2)	\$0.00

7. No one has challenged either the value of the property or the exemption claimed.
8. The Respondent does not have a purchase money security interest in household goods, or a possessory interest.
9. The judgment of the Respondent potentially stands to impair the exemption of the Debtor under Section 522(d) of the Bankruptcy Code. The judgment is a judicial lien.
10. The Debtor seeks under Section 522(f) of the Bankruptcy Code to avoid the judgment of the Respondent.

WHEREFORE, the Debtor respectfully requests that this Court enter an Order avoiding the aforesaid judgment under Section 522(f) of the Bankruptcy Code and granting such other relief as this Court deems just.

Respectfully submitted,

/s/ Dorothy L. Mott

Dorothy L. Mott, Esquire
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Debtor	:	CASE NO. 1:14-bk-01753
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Movant	:	
	:	
	:	
v.	:	
JON W OWENS,	:	
Respondent	:	
	:	

O R D E R

UPON consideration of the foregoing Motion to Avoid Judgment of Respondent under Section 522(f) of the Bankruptcy Code , it is hereby

ORDERED AND DECREED that the relief prayed for in the Motion be, and hereby is granted, to wit, the judgment of JON W OWENS in the approximate amount of \$507.94 entered in Dauphin County against Alan Lake at docket number # 2005 NT 1835 be and hereby is avoided; it is further

ORDERED AND DECREED that a certified copy of this Order may be filed with the Prothonotary of Dauphin County and the Prothonotary is directed to terminate the judgment in the judgment indices.

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CERTIFICATE OF SERVICE

I, Dorothy L. Mott, hereby certify that on July 11, 2018, I served a copy of the notice and Motion to Avoid Lien electronically or by placing the same in the United States Mail, First Class, postage pre-paid, addressed as follows:

CHARLES J DEHART, III ESQUIRE Esquire, Trustee (via ECF)

Anne K. Fiorenza, Esquire, Assistant United States Trustee (via ECF)

JON W OWENS
1611 ELM STREET
NEW CUMBERLAND, PA 17070

/s/ Dorothy L. Mott

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UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF PENNSYLVANIA

In re: Debtor(s) name(s) used by the debtor(s) in the last 8 years, including married, maiden, and trade):

Chapter:13

Allen Lee Lake
Debtor

Case number:1:14-bk-01753

Matter: Motion to Avoid Lien

Allen Lee Lake
Movant

vs,

JON W OWENS
Respondent

Notice

NOTICE OF OPPORTUNITY TO OBJECT AND HEARING: Pursuant to Local Rule 2002-1(a), the Court will consider this motion, objection or other matter without further notice or hearing unless a party in interest files an objection/response within twenty-one (21) days of the date of the notice. If you object to the relief requested, you must file your objection/response with the Clerk, U. S. Bankruptcy Court, 228 Walnut Street, Room 320, Harrisburg PA 17101 and serve a copy on the movant and movant's attorney, if one is designated.

If you file and serve an objection/response within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted the Court will deem the motion unopposed and proceed to consider the motion without further notice or hearing, and may grant the relief requested.

Date: July 11, 2018

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